

9/29/05 FINAL

U. S. BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE CALENDAR - SEPTEMBER 29 , 2005

(The Honorable Ross W. Krumm Presiding)

(Start \_\_\_\_\_ Recess \_\_\_\_\_ / \_\_\_\_\_ Stop \_\_\_\_\_ Trials: \_\_\_\_\_ Proceedings: \_\_\_\_\_)

Attys: Debtors: Case Nos.: Trustees:

**3:00 P. M. -**

**3-Way Video Connection Abingdon/Roanoke/Harrisonburg**  
**(hear all Abingdon matters first then disconnect Abingdon)**

Esposito/  
Copeland

GREEN SPRING SPORT CENTER (**Abingdon case**) 04-2727 DIP/S  
Confirmation of Chapter 11 plan #168, 169,201 (to be set if courtroom available)  
**OBJ:** UST (Guzinski) #209  
**OBJ:** Branch Banking & T (Esposito) #208

Objection to Claim #8; d/e #183, 188  
Response #203 by BB&T (Esposito) and request for hearing

Objection to Claim #21; d/e #184, 187  
Response #202 by BB&T (Esposito)

Debtor **Objection** and Motion to Disallow Ballot of BB&T #211

M Giles DONALD HAYNES 04-03087 Allen/GR  
Trustee Application for Compensation #33,34,35,

Giles LEE AND HOLLIE MYERS 05-70123 Connelly/S  
Motion for Relief by Washington Mutual Bank #22,24,25  
Response filed 8/11 #27

Giles PHILLIP POLETTI 05-70821 McLean/S  
UST 3<sup>rd</sup> Motion to Extend Issuance of Discharge filed 8/30 #42 (Guzinski)  
(Motion and proposed agreed order to be tendered to cont to 10/4 @10:00 AM)

M Giles JOHN D ROTHERT 04-1498 Creasy/NS  
AP 05-7010: Recover Money/Property - *contd from 4/7 & 7/5*  
Roy V. Creasy, Trustee (Maxwell) v. debtor & Debra K. Foltz

Krippendorf	DENNIS MOORE (case reopened 6/22) A/P 05-07108: 454 Recover Money/Property Debtor vs US Dept of Housing & Urban Development ( Eckert ) <u>Answer #4</u> (Eckert)	04-02949	Creasy/JJ
	Motion for Relief from Stay #34,35,36 filed by USA Dept of Housing and Urban Development(Eckert) <u>Response #38</u>		
Krippendorf	GARY AND LORI BLANKENSHIP Objection to Claim of Exemptions #14 by Member One Federal Credit Union (Patterson)	05-72605	Vogel/JM
Krippendorf	MORRIS AND ANGELIA MILLER, III Motion for Relief filed #42,44, 45 by Freedom First Federal Credit Union (Patterson) <u>Response #47</u>	05-70122	Connelly/S
Krippendorf	RUSSELL MCFALLS Motion for Relief filed #34,36 by Mortgage Electronic Registration Systems (Sasser) <u>Response #39</u>	04-03307	Connelly/SO
Krippendorf	ANGELA TOLLEY Motion for Relief filed by Citimortgage and Federal Mortgage Assoc. (Wood) #21 <u>Response #30</u> <i>(Counsel for movant to tender an agreed order within 15 days withdrawing the motion Appearances are not necessary)</i>  Motion for Relief from Co-Debtor Stay #24 filed by Citimortgage, Inc. And Federal National Mortgage Asso (Wood)	05-72758	Connelly/SJ
Krippendorf	JANICE WILSON Trustee Motion to Sell Free and Clear of Liens #16 <u>Response #17</u> <u>Response #18</u>	04-02326	McLean/S
Montgomery	DAVID AND KRISTY HAHN Motion for Relief #6,8,9 filed by EMC Mortgage (Rosenberg) <u>Movant's certification #9</u> <u>Respondent's certification #12</u>	05-73049	Vogel/JJ

Bowman	LARRY ROGERS A/P 05-07105: 434 Injunctive Relief Debtor vs Bank of America ( Patterson) <u>Response</u> filed 9/2	05-71771	Vogel/LM
Bowman	ADAM MITCHELL Motion to Incur Debt #45	02-03359	Connelly/SJ
Janney	STEVEN & PAULA HODGES Motion to Suspend Plan Payments granted 6/9 & <i>contd fr 6/9 for Status Hrg</i>	05-70948	Connelly/JJ
Janney	KIMBERLY HUNT Affidavit and Notice of Termination filed 4/28 #72 by Option One Mortgage (Bierman) Resolved; Order to be Tendered due on 6/24 #80 Notice of Hearing re Affidavfit of Default filed 6/23 #81 (Bierman) <i>Status hearing on default issue and compliance with terms of continuance order of 9/9</i>	03-04183	Connelly/GR
Janney	HENRY HANCOCK Notice of Default filed 7/25 #92,93 by BB&T (Huebschman)	04-00857	Connelly/SJ
Biddle	EDDIE KELLY, III Motion for Relief filed 7/25 #43,45 by Vanderbilt Mortgage & Finance (Maxwell) Movants Certification filed 7/26 #46 <u>Response</u> #48 <i>9/29 - An agreed order modifying the stay in CM orders</i>	04-03419	Connelly/VS
Goldstein	PARAMOUNT RENTALS, LLC  Confirmation of Ch 11 Plan - <i>contd from 6/15</i> Debtor Motion to Dismiss Case filed 8/26 #7	04-02615	DIP/VS
Krippendorf	MICHAEL LIVINGSTON Motion to File Proof of Claim outside Deadline filed 7/26 47,50,51 (Beck)	04-03134	Connelly/AF

Krippend.	ROBERT DILLS Plan filed 4/16; # 12; conf ntc #6 Trustee Report & Showcause filed 5/6; # 18  Objection to Claim #1 filed 5/31 #19 <i>cont from 8/4 (renoticed on 8/5 for proper service)</i>	05-71226	Connelly/S
Shelor	DICKIE SHEPHERD Motion for Relief 331,33 filed by Citimortgage, Inc. (Sasser) <u>#Answer 35</u>	05-71187	Connelly/GR
Shelor	RICHARD HARRISON Motion to Incur Debt #95	03-03458	Connelly/SJ
Shelor	PRESTON LAW Motion to Incur Debt <i>filed by joint debtor</i> #45	04-000827	Connelly/S
T Janney	JOSEPH & SHELIA WITCHER Motion for Relief filed 6/13; # 42, 43, 44 by U. S Bank re: Marcus Rd., Rocky Mt VA ( Bierman) <u>Response</u> by debtor filed 6/21 #49	04-74491	Connelly/NS
M. Hart	STEPHEN & VICKY KELLEY AP 05-07066: Declaratory Judgement: Debtor v. HomeQ Servicing fka TMS Mortgage dba The Money Store <u>Answer: filed 6/8; # 3 (Neyhart)</u>	00-02803	Connelly/JM
M Hart	PHILLIP & JUDITH BAILEY Amended Plan filed 6/28 #18,19,20 Trustee Report and Show cause filed 6/17 #17	05-71908	Connelly/SO

M Hart	STEPHEN SHOWALTER	04-03487	Connelly/GR
	Objection to Claims #2(IRS) and #8(IRS) filed 6/30 #20		
	#2 Internal Revenue Service \$4,957.91		
	#8 Internal Revenue Service (amended) \$3,008.84		
M Hart	VELVET CABLE	04-00945	Connelly/JJ
	Motion for Relief and Co-Debtor Relief filed by Chase Manhattan Mortgage #131,133 (Sasser)		
	<u>Answer</u> #140		
	<i>Note: Order of substitution of counsel from Bowman to Hart entered on 8/8</i>		
M Hart	STEPHON HICKMAN	05-70095	Connelly/NS
	Motion for Relief from Co-debtor Stay #57,60 by First Citizens Bank (Zimm)and scheduled for 9/29 @3PM ( <i>absent objections 20 days from 8/18 motion becomes self-executing</i> )		
M Hart	STANLEY AND TINA DAVIS	05-72338	Connelly/AF
	Motion for Relief #16,19 by The Washington Savings Bank (Rosado)		
	<b><i>Movant (Draper) contacted chambers on 9/28 to advise an consent order resolving is forthcoming.</i></b>		
Palmer	CHARLES AND TONYA WENDELL	05-70825	Connelly/S
	Motion for Relief filed by FV-1, Inc. (Bierman) #30,32		
	<u>Answer</u> #35		
	9/29 Fax from Movant; consent order modifying the stay to be submitted within 15 days.		
Palmer	KIMBERLY DOWDY	01-03416	Connelly/VS
	Motion to Vacate order on Motion for Relief entered 8/18 re: Branch Banking & Trust # 54		
	<u>Response:</u> BB&T (Kirkpatrick) #56		

Palmer	JACK BLACK, JR.	05-71018	Connelly/VS
	Plan filed 4/18 w/cert of serv; #17, #18 Trustee Report, Obj & Showcause filed 4/28; #20 Supplemental Chapter 13 Trustee's Report filed 5/18; # 21 <b><i>-Memorandum of Trustee in Support of Mot to Dismiss filed 6/8; # 29</i></b> <b>Obj:</b> IRS (Eckert) filed 6/3; # 22 <i>-all above matters contd from 6/15</i>		
September 30, 2005			
Palmer	THOMAS MATHIS	05-71999	Connelly/NS
	Motion for Relief #24, 28 filed by Bank of America (Zimm) <u>Answer #32</u>  Motion for Relief from Co-Debtor #26, 29 filed by Bank of America (Zimm)		
Palmer	LUTHER MCGHEE	05-71859	Creasy/SJ
	Relief from Stay filed 6/28 #7 by Washington Savings Bank with motion and order to extend stay (Rosado) <i>(Re: Vermont Avenue, Roanoke property)</i>  Relief from Stay filed 6/28 #10 by Washington Savings Bank with motion and order to extend stay (Rosado) <i>(Re: Peddlar Rd, Elliston property)</i>  <b><i>Movant (Draper) contacted Chambers on 9/28 to advise a consent order resolving is forthcoming.</i></b>		
Palmer	CARROLL SHIVERS, JR.	05-72412	Allen/SO
	Trustee Motion to Sell Realty #24 <u>Response #25</u>  Motion to Compel Debtor to Reschedule/Reclassify Unsecured Non-Priority Claim #26, 27 by Kelli Harms (Magee)		
Huffman	JOHN PAGE	05-72891	Vogel/NS
	Motion for Relief filed by GMAC Mortgage Corp (Sasser) #11,13 <u>Respondents Certification #19</u>		

McLean	PAMELA T. JOHNSON	04-3685	Vogel/GR
	AP 05-07021: Det. Dischargeability Michael A & Patrice L. Bostic, <b>et als</b> (Lori Thompson/A.Carter Magee) v. Debtor <i>Amended Complaint filed 2/18 #8; Amended Summons Issued #10 - cont from 8/4</i>		
McLean	TED JOHNSON	04-3654	Vogel/SJ
	AP 05-07023: Det. Dischargeability – <i>contd from 4/7</i> Michael A & Patrice L. Bostic, et als (Lori Thompson/A.Carter Magee) v. Debtor <i>Amended Complaint filed 2/18 #6; Amended Summons Issued #8 -</i>		
Pro se	FRANK FARRIER	04-3653	Creasy/SJ
	AP 05-07022: Det. Dischargeability Michael A & Patrice L. Bostic, et als (Lori Thompson/A.Carter Magee) v. Debtor <i>Amended Complaint filed 2/18 #6; Amended Summons Issued #8 -</i> <i>–Answer to Amended Complaint filed 3/25; # 10 (Farrier, pro se) -</i>		
Foster	PIERRE DIONNE	05-07109	Allen/JJ
	AP 05-07109: Det Dischargeability Thomas H Clayton (Maxwell) vs Debtor Answer filed #4		
Bowman	VERONICA ZIELENSKI	04-02731	McLean/AF
	AP 05-07110; 454 Recover Money/property Trustee vs Erie Insurance Property and Casualty Co. (Ries) <u>Response #7</u> (Ries)		
Shankman	JUSTIN AND TIFFANY GILBERT	05-72453	Connelly/SJ
	Trustee Motion for Turnover Order #6,7 ( <i>Converted to ch 13 on 8/22</i> ) <i>Confirmation scheduled 11/16/05 @9AM</i>		
Shankman	CHARLES POOLE	04-01610	Connelly/SO
	Motion to allow late claim filed by Ford Motor Credit #62 from 8/25 <i>Ord of 9/4 allows filing of late claim of Ford Motor Credit; timely objections, if any, to</i>		

*be heard this date*

Brown	JOYCE BRADFORD Trustee Motion to Dismiss Case filed 8/1 #38,39 <b>OBJ:</b> filed 8/22 #42	03-02843	Connelly/JJ
H Brown	JASON AND STACY CORNETT Motion for Relief #49,50,52 filed by Bank of America (Zimm) Answer filed 9/2 #53	05-70355	Connelly/SJ
H Brown	FARLEN ACORD Motion for Relief filed 9/1 #52,56 <u>Answer</u> #58 <b><i>9/29 Counsel Movant notified Chambers an Agreed order is circulating</i></b>	04-75043	Connelly/JJ
Brown	PATRICK TROTTMAN Motion for Order to Show Cause filed 6/27 #28 by Moore Investment Corp (Goldstein) <i>Continued from 8/4 and 8/25 in court</i>  <i>Note: Order in dispute is in the pending cm box</i>	04-02550	Allen/SJ
Hileman	ALAN AND TRACEY CARTER Debtor Motion to Sell property #30	04-02308	Connelly/SO
Hileman	BONNIE ARNOLD Motion to Avoid Lien: Carilion New River Valley Medical Center #11,12	05-72881	Connelly/GR
Moses	JASON AND SHARON RAMSEY	05-70626	Krippendorf/S



Trustee Motion to Extend Issuance of Discharge and Time to file Motion to Dismiss or Complaint to Deny Discharge #19/20 (*absent objections 5 days before hearing order becomes self-executing*)

Magee	CHARLES GORE Motion for Final Decree filed 8/24 #157,158	03-03149	DIP/JJ
Magee	JAMES WINGO, SR. Trustee Motion for Turnover Order #29,30, 33	05-70711	McLean/SO
Krippendorf	LEO HARTEIS, SR. Trustee Motion to dismiss case for failure to cooperate filed 9/2 #12, 13	05-72465	McLean/SL
Delafield	DENNIS AND KARLA GRAHAM Motion for Relief #30 filed by Mortgage Electronic Registration (Stewart) <u>Answer</u> #46	05-71895	Vogel/NS
Magee	KGG, LLC et als	04-74550	DIP/SJones

McLean

Gregg Kuhn (04-74226) *Joint administration w/KGG 04-74550*

**\*Pre-Trial Conference (at direction of court 08/03/05) on:**

\*Objection of Burnt Chimney Properties Inc. To Claim of Ronald E. Daugherty as  
Curator (Beck) filed 7/14; #278  
Response #360, 361 (Goldstein)

\*Omnibus Objection of Burnt Chimney Properties, Inc. To Certain Filed and Scheduled  
Claims (Beck) filed 7/14; #279  
Opposition Response by Burnt Chimney Properties\_#330

Motion for Relief 7/29 #286,287 filed by USA/IRS (Genis)  
Response #306

Magee

LAKE LANDSCAPE & EROSION CENTER, INC. 04-03883  
Debtor Objection to Claims filed 8/16 (*some without claim #'s*)

DIP/GR

2 Kids Landscaping #187

#23: A.H. Harris & Son, Inc. #188

V.T. and Jane Crawford, #189

Bill Dixon #190

#16: E. Dillon & Company #191

#17: E. Dillon & Company #192

George Epps #193

#1: Franklin County Treasurer's Office #194

#1: Franklin County Treasurer's Office #195

#1: Franklin County Treasurer's Office #196

#1: Franklin County Treasurer's Office #197

#34: GNG Enterprises, LLC #198

#35: GNC Enterprises, LLC #199

LAKE LANDSCAPE & EROSION CENTER, INC *continued:*  
*Debtor Objection to Claims filed 8/16 (some without claim #'s)*

#7: Gorla Enterprises #200

Holox #201

#20: John Deere Credit #202

#22: John Deere Credit #203

Kari, Inc.(Duck in Market) #204

Barry Kidd #205

Nathaniel Kidd #206

National Bank of Commerce #207

#36: National Bank of Commerce #208

***Ord ent 8/31 Dismisses Objection to claim #36***

#15: New Peoples Bank (Western Star Dump Truck) #209

#38: Patapsco Valley Sales and Supply #210

Royster Clark #211

#33: Timberland Mulch #212

#21: John Deere Credit #213

#1: Franklin County Treasurer's Office #214

Norma Epp #215

#26: Janet Donahue #216

#32: D.J. Dewitt and Crawford #217